

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

KARRIE GREGOR and JOHN GREGOR,
her husband,

Plaintiffs.

v.

**THOMAS TEETS and CELLURALE
LANDSCAPING & MAINTENANCE
CONTRACTING, INC.,**

Defendants.

Civil Action No. _____

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF PLAINTIFFS:
Karrie Gregor and John Gregor

**COUNSEL OF RECORD FOR THIS
PARTY:**

John W. McTiernan, Esquire
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**CAROSELLI BEACHLER McTIERNAN
& COLEMAN LLC**

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JURY TRIAL DEMANDED

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COMPLAINT IN CIVIL ACTION

AND NOW come the Plaintiffs, Karrie Gregor and John Gregor, her husband, by and through their counsel, John W. McTiernan, Esquire and CAROSELLI BEACHLER McTIERNAN & COLEMAN LLC, and file the within Complaint in Civil Action against the Defendants, Thomas Teets and Cellurale Landscaping and Maintenance Contracting Inc., and in support aver the following:

1. The Plaintiffs, Karrie Gregor and John Gregor, are husband and wife, and reside at 12 Marianna Court, Brownsburg, Indiana 46112.
2. The Defendant, Thomas Teets, is an individual who, at the time of the within incident, resided at 1320 Hawthorn Street, Connellsville, Pennsylvania 15425.
3. The Defendant, Cellurale Landscaping and Maintenance Contracting, Inc., is a corporation with its principle place of business at 2038 University Drive, Lemont Furnace, PA 15456.
4. Jurisdiction in this court is based upon diversity of citizenship pursuant to 22 U.S.C. §1332, and the amount in controversy which exceeds Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs.

5. On or about July 7, 2014, at approximately 1:46 p.m., the Plaintiff, Kerri Gregor, was a passenger in a 2005 Chevrolet vehicle which was being operated by her husband, John Gregor. The vehicle was travelling westbound in the left lane of Interstate 70, Washington County, Commonwealth of Pennsylvania.

6. At that same date in time, the Defendant, Thomas Teets, acting as an agent/employee of the Defendant, Cellurale Landscaping & Maintenance Contracting, Inc. was operating a 2007 Chevrolet 2500 owned and maintained by Defendant, Cellurale Landscaping & Maintenance Contracting, Inc. The Defendant was towing a utility trailer, and was traveling eastbound on Interstate 70 near Exit 32, Washington County, Commonwealth of Pennsylvania.

7. While the Defendant was towing the utility trailer, the left rear tire of the trailer separated and bounced over the center concrete barrier.

8. The trailer tire came into the Plaintiffs' lane of travel and struck the front of the Plaintiffs' vehicle.

9. Plaintiff, John Gregor, was unable to avoid impact with the tire due to traffic conditions that existed in the right-hand lane of westbound Interstate 70.

10. The trailer tire violently struck the Plaintiffs' vehicle causing severe injuries to Plaintiff, Karrie Gregor, who sustained damages more fully set forth below.

11. The injuries sustained by the Plaintiff were caused by and the direct and proximate result of the negligence of Defendant, Thomas Teets, generally and in the following particular:

- a. In violation of 75 Pa.C.S.A. §3714 "Careless driving" by failing to exercise the degree of care required of an ordinary prudent driver under the circumstances then and there existing.
- b. In failing to properly maintain the utility trailer;
- c. In failing to properly inspect the utility trailer prior to the commencement of towing; and,

- d. In failing to operate his motor vehicle in a safe and appropriate manner in order to prevent the trailer tire from becoming dislodged.

12. The injuries and damages herein set forth were caused by and were the direct and proximate result of the negligence of Defendant, Cellurale Landscaping & Maintenance Contracting, Inc. as follows:

- a. In failing to properly maintain the utility trailer;
- b. In failing to properly inspect the utility trailer prior to allowing the trailer to be towed; and,
- c. In allowing their employee to operate his motor vehicle in an unsafe and inappropriate manner which caused the trailer tire to become dislodged.

13. At all times relevant to the within matter, the Defendant, Thomas Teets, was acting as an agent and/or employee of the Defendant, Cellurale Landscaping & Maintenance Contracting, Inc., and was acting in the course and scope of his employment.

14. At all times pertinent hereto, the Defendant Cellurale Landscaping & Maintenance Contracting, Inc. acted through their duly authorized agents, servants and employees, who were then in the course and scope of their employment and furtherance of the business of said company.

15. At all times relevant hereto, Defendant Cellurale Landscaping & Maintenance Contracting, Inc. was and is vicariously liable for the negligence of Defendant, Thomas Teets.

16. The motor vehicle accident was caused by the negligence of Defendants, Thomas Teets and Cellurale Landscaping & Maintenance Contracting, Inc., as set forth above and was in no way caused by the actions of the Plaintiffs, Karrie Gregor or John Gregor.

17. At the time of the aforementioned motor vehicle collision, Plaintiff, Karrie Gregor, was insured under an automobile insurance policy issued in the State of Indiana.

18. As a direct and proximate result of the negligence of Defendant, Thomas Teets, Plaintiff, Karrie Gregor, suffered the following injuries, some or all of which may be permanent in nature;

- a. Lumbago;
- b. Aggravation of pre-existing spinal stenosis and spondylosis resulting in right upper extremity radiculopathy and the need for surgical intervention;
- c. Chronic cervical herniated disc;
- d. Cervical radiculopathy and neck pain;
- e. Headaches;
- f. Pain/Numbness in her back, neck, shoulder and arm; and,
- g. Emotional distress.

19. As a result of the aforesaid injuries, Plaintiff, Karrie Gregor, suffered the following damages:

- a. She has suffered a loss of earning power and earning capacity, and may suffer a loss or reduction of economic earning potential in the future;
- b. She has in the past and will in the future be required to expend large sums of money for medical attention, hospitalizations, medical supplies, medication and medical care;
- c. She has suffered severe and permanent injuries with resulting disabilities which are permanent and irreparable;
- d. She has sustained severe physical pain, suffering, inconvenience, embarrassment and mental anguish and will continue to suffer the same for the remainder of her life;
- e. Disfigurement
- f. Her health, strength and vitality has been impaired;
- g. She has suffered severe pain, suffering, embarrassment and inconvenience and will continue to undergo the same in the future;
- h. She has suffered a permanent diminution in the ability to enjoy life's pleasures; and,
- i. She has and may continue to suffer an interruption of marital and family relationships.

20. As a direct and proximate result of the aforesaid injuries to Plaintiff, Karrie Gregor, Plaintiff, John Gregor, has suffered the following damages:

- a. He has lost the value of services, contribution and support, which his wife would have rendered had she not been injured;
- b. He suffered and may continue to suffer a loss of consortium;
- c. He has and may continue to be obligated to spend various sums of money in an effort to restore his wife's health; and,
- d. He has and may continue to suffer an interruption of marital and family relationships.

WHEREFORE, Plaintiffs, Karrie Gregor and John Gregor demand judgment against the above-named Defendants for damages allowed under the applicable law and in an amount in excess of \$75,000.00, together with pre-judgment and post-judgment interests and costs, and such other relief under the law.

JURY TRIAL DEMANDED

Respectfully submitted,

CAROSELLI BEACHLER McTIERNAN
& COLEMAN LLC,

/s/ John W. McTiernan, Esquire

John W. McTiernan, Esquire

PA ID No. 27702